

AUG 10 2006

REMARKS

In response to the Restriction Requirement dated June 20, 2006, Applicant hereby elects, without traverse, Group I, claims 1-33 to prosecute in the above-identified patent application.

Claims 18, 19, 25 and 30, depending from claim 1, have been amended for clarification to recite that a first material layer of the protective composite separator comprises the composite reaction product of Li (or, in claim 18, active metal) with C_3N . Support for this claim amendment can be found at page 15, lines 8-9 and 12-15, page 19, lines 11-13, page 22, lines 21-23, for example. Entry of this amendment prior to examination is respectfully requested.

Consequent from the election of Group I, the following election of species are made:

for the active metal electrode: lithium metal (Li);

for the first material layer: the composite reaction product of Li with Cu_3N ;

for the second material layer: the glass-ceramic recited in claim 28;

The claims readable on the elected ultimate species (including all of the species elections) are claims 1-20, 25, 28 and 30.

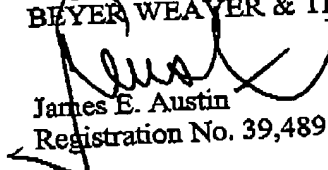
Applicant acknowledges the Examiner's indication that claims 1-14 are generic for the elected Group I.

With regard to the requirement for an election of species pertaining to the electrolyte, pursuant to a telephone conference with Examiner Cantelmo on August 10, 2006, it was agreed that this aspect of the species election requirement, which pertains only to claim 33 of the elected group, would be withdrawn. If an election were required, Applicants would elect PEO (polyethylene oxide) with Li salt complexes.

It is understood that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim.

If any additional fees not submitted with this filing are due in connection with the filing of this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 500388 (Order No. PLUSP027).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP


James E. Austin
Registration No. 39,489

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100